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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsung-Yuan Hsu	)	Examiner: Matthew C Landau
	)	Art No.: 2815
Application No: 09/829,781	)	**RESPONSE**
Filed: July 13, 2001	)	Our Ref: 617818-6/RPB B-3916
	)	Your Ref: HRL 991108
For: "Bandwidth Enhanced Self-Injection Locked DFB Laser with Narrow Linewidth"	)	Date: August 26, 2002

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This paper's filed in response to the official action dated July 24, 2002.

REMARKS

In the official action the Examiner asserts that the claims are directed to two patentably distinct inventions, which the Examiner identifies as belonging to groups I or II. The Examiner asserts that claims 1-10 and 19-28, directed to a laser system, fall into group I while claims 11-18 fall into group II.

The applicant hereby provisionally elects the claims of group I, namely claims 1-10 and 19-28 for examination in this application and requests reconsideration of the election requirement. The Examiner provides a rationale for making the non-unity objection, as he is required to do so by the rules of practice at the U.S. Patent and Trademark Office. The problem is, the rationale that the Examiner makes seems to be some sort of canned rationale which does not make sense in the

context of the claims. In particular, the Examiner asserts that the process claims (claims 11-18) for using the product "can be practiced with another materially different product." Then he goes on to assert that "the modulator can be driven by an optical signal." With all due respect to the Examiner, that is a non-sequitur. How is "an optical signal" a "different product" according to the Examiner's analysis? The rationale provided by the Examiner simply falls apart. Furthermore, method claim 1, for example, does not proclude the use of an optical signal in connection with the modulation. Indeed, the embodiment of Figure 1 shows an optical signal on fiber optic cable 20 which is fed via a port 16-2 to an input of the modulator 16! So, the statement that the modulator can be driven by an optical signal is correct. But what does that have to do with the assertion that the claims lack unity? With all due respect, nothing at all!

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on

August 26, 2002
(Date of Deposit)

RICHARD P. BERG
(Name of Applicant, Assignee or Registered Representative)

(Signature)

August 26, 2002
(Date)

Respectfully submitted,

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